

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 2, 5, 9, 17, 29, 31-33, 36, 40 and 42 are pending in the application.

Claims 1, 2, 5, 9, 17, 29, 31-33, 36, 40 and 42 have been rejected.

Claims 1 and 32 have been amended.

Claims 31 and 42 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

Remarks to the Specification

The Examiner objected to use of the phrase "mutatis mutandis" as being a non-English phrase. Applicants respectfully assert that "mutatis mutandis" is in fact an English phrase, and is listed as such in standard English dictionaries (such as *Webster's New Collegiate Dictionary*).

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CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 5 and 29 under 35 U.S.C. § 102(b), as being anticipated by Hopper et al. (US 2003/0159861). Applicants respectfully traverse this rejection in view of the remarks that follow.

Hopper et al. disclose a wheeled carriage for supporting a patient in a substantially horizontal position. The wheeled carriage includes a patient support and a wheeled base supported by castered wheels. Auxiliary wheels are suspendably mounted on a wheel support structure with the axis of the auxiliary wheels spaced from a midpoint of the wheeled base. A control apparatus controls the wheel support structure to move the auxiliary wheels between a first deployed position where the castered wheels at one end of the carriage are elevated from a floor surface, and a second stored position with the auxiliary wheels out of engagement with the floor surface. The wheeled carriage includes a drive motor for powering the auxiliary wheels. A drive member applies force to a load cell on the wheeled carriage. The load cell outputs a drive signal to drive the auxiliary wheels. An auxiliary wheel drive and control system accelerates or decelerates the carriage by comparing the drive signal with a threshold value that changes dependent on the velocity of the carriage.

Hopper et al. does not teach or suggest, and the Examiner does not suggest that Hopper et al. teaches or suggests, a device with "a wheeled support connected to the platform for supporting a user during operation of the platform" as recited in amended independent claim 1. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, Hopper et al. cannot anticipate claim 1 as amended.

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 2, 5 and 29 depend from, directly or indirectly, claim 1, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 2, 5 and 29 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 2, 5 and 29 dependent thereon.

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35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 9 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view of Heimbrock et al. (US5,987,671). Applicants respectfully traverse the rejection of claims 9 and 17 under 35 U.S.C. § 103(a).

Hopper et al. was discussed above. Heimbrock et al. disclose a patient support apparatus for transporting a patient along a floor. The apparatus includes a frame, a plurality of casters coupled to the frame, a wheel supported relative to the frame and engaging the floor, and a drive assembly that operates to drive the wheel to propel the patient support apparatus along the floor.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The combination of Hopper et al. and Heimbrock et al. does not teach or suggest all the limitations of claim 1 (independent), nor does it teach or suggest all the limitations of dependent claims 9 and 17. Hopper et al. has been discussed above. That discussion is applicable here. Heimbrock et al. is also silent as to a device with "a wheeled support connected to the platform for supporting a user during operation of the platform" and therefore cannot cure the deficiencies of Hopper et al. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since the Examiner does not suggest that Hopper et al. or Heimbrock et al., alone or in combination, teach or suggest all the elements of independent claim 1, the Examiner fails to establish a prima facie showing that Hopper et al. or Heimbrock et al., alone or in combination, teach or suggest every feature of claim 1.

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 9 and 17 depend from, directly or indirectly, claim 1, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 9 and 17 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 9 and 17 dependent thereon.

In the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view of Ezenwa (US 5,193,633). Claim 31 has been cancelled without prejudice or disclaimer.

In the Office Action, the Examiner rejected claims 32, 33, 36, and 40 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view of Strong (US 2002/0175018). Applicants respectfully traverse the rejection of claims 32, 33, 36, and 40 under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

Hopper et al. was discussed above. Strong discloses a dolly wheel steering system.

The combination of Hopper et al. and Strong does not teach or suggest all the limitations of claim 32 (independent), nor does it teach or suggest all the limitations of dependent claims 33, 36, and 40. Hopper et al. has been discussed above. That discussion is applicable here. Strong is also silent as to a device with "a wheeled support connected to the platform for supporting a user during operation of the platform" and therefore cannot cure the deficiencies of Hopper et al. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since the Examiner does not suggest that Hopper et al. or Strong, alone or in combination, teach or suggest all the elements of independent claim 32, the Examiner fails to establish a prima facie showing that Hopper et al. or Strong, alone or in combination, teach or suggest every feature of claim 1.

Accordingly, Applicants respectfully assert that amended independent claim 32 is allowable. Claims 33, 36, and 40 depend from, directly or indirectly, claim 32, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 33, 36, and 40 are likewise allowable. Accordingly, Applicants respectfully request that the

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Examiner withdraw the rejections to amended independent claim 32 and to claims 33, 36, and 40 dependent thereon.

In the Office Action, the Examiner rejected claim 42 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view of Strong, and further in view of Ezenwa. Claim 42 has been cancelled without prejudice or disclaimer.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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